

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

FAO.No. 236 of 2006()

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AGAINST THE ORDER DATED 15/10/2003 IN EA.146/03,EP.297/00 IN
OS.886/1992 of PRL.SUB COURT,KOTTAYAM
.....**

**APPELLANT/PETITIONER/DEFENDANT:-
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**CHACKO JOSEPH, MANGARA VEEDU,
CHEMPLAVU, KIDANGOOR.**

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

**RESPONDENTS: PLAINTIFF:-
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**THE SOUTH INDIAN BANK LTD.,
CHERPUNKAL.**

BY ADV. SRI.K.PRABHAKARAN S.C.,SOUTH INDIAN BANK

**THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY
HEARD ON 15/06/2007, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

KURIAN JOSEPH,

&

T.R.RAMACHANDRAN NAIR, JJ.

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FAO.No. 236 of 2006.

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Dated this the 15th day of June, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal has been filed against the order dated 15-10-2003 in EA.N:o.146/2003 in EP.No.297/2000 in OS.No.886/1992 on the file of the Prl. Sub Court, Kottayam. When the appeal came up for hearing, for quite some time, it was enquired from counsel on either side as to whether there is any possibility for settlement. The learned counsel for the respondent Bank Sri.K.Prabhakaran has accordingly filed a statement showing the amounts due to the Bank. The learned counsel appearing for the appellant submits that the petitioner is prepared to settle the amounts as per the statement but some indulgence may be made to pay the amounts to the respondent in instalments. Having regard to the submissions made, we dispose of the appeal with the condition that in the event of the appellant remitting the amounts as per the statement filed by the respondent Bank on 10-4-2007 in five equal monthly instalments starting with the month of July, 2007, the appeal would stand allowed and the sale stand set aside on the appellant's last instalment. The

instalments shall be paid directly to the Bank before the 30th of every month.

It is made clear that in case there is fault in any one of the instalments, the appeal will stand dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-